

FILED _____ ENTERED _____
LODGED _____ RECEIVED _____

FORM TO BE USED BY A PRISONER FILING A COMPLAINT MAY 13 2013
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

AT BALTIMORE
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND
DEPUTY

Ralph N. Gatherright Jr. #562112
14100 North Branch Correctional Institution
14100 McMullen Hwy. S.W.
Cumberland, Md. 21502
(Full name, prison identification
number and address of the plaintiff)

v.

Civil Action No. GLR-13-1400
(Leave blank. To be filled in by Court.)

Maryland Correctional Training Center
18800 Roxbury Rd.
Hagerstown, Md. 21746

(Full name and address of the defendant(s))

COMPLAINT

I. Previous lawsuits

- A.** Have you filed other cases in state or federal court dealing with the same facts as in this case or against the same defendants?

YES [] NO [☒]

- B.** If you answered YES, describe that case(s) in the spaces below.

- 1.** Parties to the other case(s):

Plaintiff: _____

Defendant(s): _____

2. Court (if a federal court name the district; if a state court name the city or county): _____
3. Case No.: _____
4. Date filed: _____
5. Name of judge that handled the case: _____
6. Disposition (won, dismissed, still pending, on appeal): _____

7. Date of disposition: _____

II. Administrative proceedings

- A.** If you are in a Division of Correction facility, did you file an administrative remedy procedure request under DCD 185-001, et seq.?

YES [☒] NO [☐]

1. If you answered YES:

a. What was the result? Investigation pending

- b. Did you appeal to the Commissioner?

YES [☒] NO [☒]

2. If you answered NO to either of the questions above, explain why you did not file an administrative remedy procedure request or an appeal to the

Commissioner. _____

3. Did you file any other type of administrative complaint such as an appeal to

the warden of an adjustment decision or a decision to withhold mail, a complaint to the Sundry Claims Board, etc.?

YES [☒] NO [☐]

4. If you answered YES, explain what you filed and what was the result.

I asked for a rehearing / time reduction.

Denied.

- B. If you are not in a Division of Correction facility, is there a grievance procedure at your institution?

YES [☐] NO [☒]

If your answer is YES:

1. Did you file a grievance?

YES [☐] NO [☒]

2. If you filed a grievance what was the result? _____

3. If you did not file a grievance explain why not? did not know how to

III. Statement of claim

(Briefly state the facts of your case. Include dates, times, and places. Describe what each defendant did or how he/she is involved. If you are making a number of related claims, number and explain each claim in a separate paragraph.)

On 1/22/13 at approximately 9:30^{AM} I was assaulted by several correctional officers (Sgt. Ricker, Officer Longhorn, Officer Fisher and Officer Garlitz). On this day I was holding my feed up slot open because I needed to talk to Captain Woods about my food and medical issues. After being ordered to remove my arm from my feed up slot so it could be secured and I refused these officers (named above) tried forcing my arm in which led to a struggle on both ends. Once they failed to remove my arm Sgt. Ricker then ordered his officers to hit my hands with the (see attached sheet)

IV. Relief

(State briefly what you want the Court to do for you)

SIGNED THIS 30th day of March, 2013.

Ralph N. Gathright Jr.
(original signature of plaintiff)

North Branch Correctional Institution
14100 McCullen Hwy. S.W.
Cumberland, Md. 21502
(address of plaintiff)

I'm writing in regards to my mail coming up missing. It seems as if all my letters discussing the conditions of this facility and the treatment of inmates in general never makes it to it's intended destination.

I've been advised by a staff member here, who ~~when~~ wants to remain anonymous, that I should start sending all my mail out either "Priority" or "Certified" so I'm sending you all my legal work as prescribed.

I've tried writing this issue up along with other inmates but either our ARP's get disregarded or dismissed for lack of proof. I know you can't do much but if you got any free time on your hand could you PLEASE jot down a few usefull spots I can write to so I can try my best to get this facility investigated.

I know for a fact my letters not making it's/their destinations because since I was transfered to this location a month ago my friends and family had to look me up on the internet to find me and as of right now I got several letters from them inquiring why I haven't wrote them since my transfer. I've been writing since I've been on this location just to give my new address if nothing this is ludicrous. I need all the help I can get to expose this unprofession- well as unlawful acts.

March 30th, 2013

Prison officials violated their rights under the eighth and fourteenth amendments by failing to protect me from the attack of another official and by failing to provide adequate medical care for injuries I sustain during the attack. I'm still in pain and my ~~right~~ right hand doesn't function as it once did.

The eighth amendment forbids the infliction of cruel and unusual punishments not of cruel and unusual conditions. Obvious risk to protect me from the attack of another officer and by failing to provide adequate medical care for injuries I sustained during the attack.

The eighth amendment forbids the infliction of cruel and unusual punishments not cruel and unusual conditions. Obvious risk to inmate health and safety. Prison guards failed to acknowledge facts which should have alerted them to the seriousness of appellant's injuries a serious mistake has been committed. Prison officials can not hide behind an excuse that they were unaware of a risk no matter how obvious.

Ralph N. Gatherright Jr. #562112
Ralph N. Gatherright Jr.

master lock used to secure the feed up ~~at~~ slot.

I saw Officer Longhorn and Officer Garlitz take turns hitting and beating my hands with the master lock.

I saw Officer Fisher hit me with his mace can, repeatedly along with Sgt Ricken. As they continued their assault, they repeatedly slammed my hands in the feed up slot.

Once they realized I wasn't removing my hands and saw the damage done to my hands scraps, cuts and bruises, Sgt. Ricken ordered his officers to stop.

Sgt. Ricken tried reasoning with me by promising he'd get me around to speak with Captain Woods but first I had to allow them to secure my feed up slot and I did.

Several minutes later Officer Fisher came to my cell and I asked him to take me to the hospital for my hands. I was never taken nor did I even get to see Captain Woods.

I got several inmates to call my family and inform them of what took place and three days later 1/25/13 I was taken to the hospital, where photos were taken and I gave a statement to the nurse as to how I sustained my injuries.

Ralph N. Gathright Jr. # 562112
Ralph N. Gathright Jr. 3/30/13

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of March, 2013, a copy of this
Civil Right Act, 42 U.S.C. 1983
(title of the document), was mailed, postage prepaid, to
(name and address of the attorney or person to whom you sent it).

Ralph N. Gathright Jr.
(your signature)

It is not necessary to state in the certificate of service that copies were sent to the Court or to the Clerk.

Do not file any motions or memoranda that are longer than fifty pages unless you have received permission from the Court. Most motions and memoranda should be much shorter than fifty pages.

You do not have to file copies of exhibits that are already on file in the same case. For example, if the defendants in your case file a motion for summary judgment and attach as an exhibit to their motion a copy of a sick call slip, you do not have to attach a copy of that document to your opposition or to any motions you file. You may simply refer to the copy that is already in the file.

You must sign every pleading, motion, and memorandum that you file. You MAY NOT sign someone else's name, nor may you file anything on behalf of someone else. In order for a pleading, motion, or memorandum to be considered on behalf of more than one plaintiff, each plaintiff must sign it.